

Message Text

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ACTION EB-07

INFO OCT-01 AF-10 ISO-00 CAB-02 CIAE-00 COME-00
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FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC IMMEDIATE 8824

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E. O. 11652: N/A

TAGS: EAIR, KE

SUBJ: CIVAIR: PAN AM CHARTERS AND BILATERAL NEGOTIATIONS

REF: (A) STATE 130040, (B) NAIROBI 6945

1. WE HAVE STUDIED THREE OPTIONS PRESENTED BY DEPT IN
REFTEL A IN CONTEXT OF PAN AM'S CARGO ISSUE AND IN VIEW
OF SUBSEQUENT DEVELOPMENTS IN KENYAN GOVERNMENT AVIATION
POLICY REPORTED IN REFTEL B. ACCORDING TO PAN AM'S LOCAL
DIRECTOR, CARGO CHARTER PROBLEM WHICH PRECIPITATED EXCHANGE
OF COMMUNICATIONS ON U.S.-KENYAN AVIATION RELATIONS HAS
BEEN SOLVED WITH NO PAYMENT OF ROYALTY FEES TO KENYA AIRWAYS
FOR FLIGHT DUE IN NAIROBI JUNE 9. PAN AM HAS OBTAINED
NO UNDERSTANDING, ON OTHER HAND, ABOUT FUTURE FLIGHTS.

2. OUR IMMEDIATE PREFERENCE WOULD BE FOR EARLY EXPLORA-
TORY CONSULTATIONS WITH GOK, AT U.S. INITIATIVE, TO DEVELOP
A MUTUALLY ACCEPTABLE AIR TRANSPORT AGREEMENT. THIS MOVE
WOULD HOPEFULLY CLARIFY THE CURRENTLY HAZY TRAFFIC QUOTE
RIGHTS UNQUOTE PAN AM ENJOYS BY VIRTURE OF UNRATIFIED 1969
BILATERAL AGREEMENT BETWEEN U.S. AND KENYA AND FORESTALL
ANY LAST-MINUTE KENYAN RESTRICTIONS SUCH AS OCCURRED WITH
BAN ON NAIROBI-DAR ES SALAAM SERVICE.

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3. OUR SUPPORT FOR ABOVE STRATEGY, HOWEVER, IS BASED ON
ASSUMPTION THAT U.S. HAS SUFFICIENT CONFIDENCE IN BAR-
GAINING POSITION FOR OUR AVIATION INTERESTS (PRIMARILY
PAN AM) VIS A VIS KENYA TO SURVIVE NEGOTIATIONS WITH
SATISFACTORY OPERATING ARRANGEMENTS. STATUS QUO DURING
LIFETIME OF EAST AFRICAN AIRWAYS WAS GENERALLY FAVORABLE

TO U.S. IN CONTRAST, WE WANT TO STRESS THAT COLLAPSE OF REGIONAL AIRLINE, DETERIORATION OF EAST AFRICAN COOPERATION AND AGGRESSIVE PROMOTION OF KENYAN NATIONAL CARRIER HAVE CHANGED SITUATION SUBSTANTIALLY SINCE BEGINNING OF 1977. INTRODUCTION OF NO OBJECTION FEES IS PROBABLY FIRST SALVO IN KENYAN CAMPAIGN TO RE-WRITE OLD EAST AFRICAN COMMUNITY AVIATION POLICIES IN FASHION MORE DISCRIMINATORY TOWARDS FOREIGN CARRIERS. HENCE IT IS MOST LIKELY THAT CHANGES IN STATUS QUO WILL BE TO OUR DETRIMENT. SINCE PAN AM WILL EVENTUALLY BE CALLED IN TO DISCUSS ITS TRAFFIC PRIVILEGES WITH GOK/KENYA AIRWAYS, QUESTIONS ARE HOW TO MINIMIZE NEGATIVE OUTCOME AND HOW TO AVOID ENTANGLEMENT IN SUDDEN CRISIS.

4. EMB APPRECIATES DEPT CONCERN THAT GOK LINES OF AUTHORITY NOW UNCLEAR AND AVIATION POLICY REQUIRES SOME NATURATION BEFORE FORMAL BILATERAL NEGOTIATIONS TAKE PLACE. WE SUGGEST THAT, TO OVERCOME THESE POTENTIAL OBSTACLES, BOTH SIDES AGREE TO PRECEDE FACE-TO-FACE TALKS WITH EXCHANGE OF NOTES TO CLARIFY RESPECTIVE GOALS AND ESTABLISH LOCI OR RESPONSIBILITY FOR AVIATION ISSUES. THIS DIALOGUE MAY HELP INFLUENCE GOK POLICY IN U.S. FAVOR.

5. WHILE AWAITING FURTHER INSTRUCTIONS REGARDING APPROACHES TO GOK, WE WILL CONTINUE TO KEEP DEPT INFORMED OF NEW KENYAN AVIATION DIRECTIVES, RESPONSE OF INTERNATIONAL AIRLINES WHEN ASCERTAINABLE AND IMPACT OF SUCH DIRECTIVES ON PAN AM OPERATIONS.

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DECONTROL 6/8/78
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